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Docket No. 13173-00002-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Schopfer et al.

Conf. No.: 8428

Application No.: 10/524648

Group Art Unit: Not Yet Assigned

Filed: February 17, 2005

Examiner: Not Yet Assigned

For: TRANSGENIC EXPRESSION CASSETTES
FOR EXPRESSING NUCLEIC ACIDS IN THE
FLOWER OF PLANTS

TRANSMITTAL OF POWER OF ATTORNEY


MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants enclose herewith the executed Power Of Attorney To Prosecute Applications Before the USPTO with change of correspondence address and Statement Under 37 CFR § 3.73(b) in the above-referenced application.

Applicants believe no fee is due. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13173-00002-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski
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Attorney for Applicants

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BEST AVAILABLE COPY

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO			
I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).			
I hereby appoint:			
<input checked="" type="checkbox"/>	Practitioners associated with the Customer Number: <u>23416</u>		
OR			
<input type="checkbox"/>	Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):		
	Name	Registration Number	
as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).			
Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:			
<input checked="" type="checkbox"/>	The address associated with Customer Number: <u>23416</u>		
OR			
<input type="checkbox"/>	Firm or Individual Name		
Address			
City	State	Zip	
Country	Telephone	Fax	
Assignee Name and Address:			
SunGene GmbH & Co. KGaA Corrensstr. 3 06406 Gatersleben GERMANY			
A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.			
SIGNATURE of Assignee of Record			
The individual whose signature and title is supplied below is authorized to act on behalf of the assignee:			
Signature	<i>Karen Herber</i>	Date	07.04.05
Name	Karen Herber	Telephone	634482-760104
Title	Managing Director		

388165

PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Schopfer et al.Application No./Patent No.: 10/524648Filed/Issue Date: February 17, 2005Entitled: TRANSGENIC EXPRESSION CASSETTES FOR EXPRESSING NUCLEIC ACIDS IN THE
FLOWER OF PLANTSSunGene GmbH & Co. KGaA

(Name of Assignee)

, a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015964,
Frame 0090, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
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3. From: _____ To: _____
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Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

September 14, 2005

Date

Roberte M.D. Makowski, Ph.D.

Printed or Typed Name

302 658 9141

Telephone Number

Attorney - Reg. No. 55,421

Title

416757

Declaration, Power of Attorney and Petition

Page 1 of 3
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Customer No.

We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

☐ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and amended on _____

☒ was filed as PCT international application

Number PCT/EP/03/08394

on 30 July 2003

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
10238979.9	Germany	20 August 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10247599.7	Germany	11 October 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

_____	_____
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And we (I) hereby appoint **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915 (telephone 703-760-7728), our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1 - 8
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